

CLOSED,STAYED,ENE,IFP,USMSVC

**U.S. District Court
Southern District of California (San Diego)
CIVIL DOCKET FOR CASE #: 3:17-cv-01196-JAH-RBB**

Reyes v. Bureau of Indian Affairs Southern California Agency
Assigned to: Judge John A. Houston
Referred to: Magistrate Judge Ruben B. Brooks
Cause: 05:0552fi Freedom of Information Act

Date Filed: 06/13/2017
Date Terminated: 05/21/2019
Jury Demand: None
Nature of Suit: 895 Freedom of Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff

Emilio Reyes

represented by **Emilio Reyes**
615 5th Avenue
Chula Vista, CA 91910
619-829-0130
PRO SE

V.

Defendant

**Bureau of Indian Affairs Southern
California Agency**

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Date Filed	#	Docket Text
06/13/2017	<u>1</u>	COMPLAINT against Bureau of Indian Affairs Southern California Agency, IFP Filed, filed by Emilio Reyes. (Attachments: # <u>1</u> Civil Cover Sheet) The new case number is 3:17-cv-1196-AJB-JMA. Judge Anthony J. Battaglia and Magistrate Judge Jan M. Adler are assigned to the case.(jjg) (Main Document 1 replaced on 6/21/2017) (sjt). (sjt). (Entered: 06/13/2017)
06/13/2017	<u>2</u>	MOTION for Leave to Proceed in forma pauperis by Emilio Reyes. (jjg) (Entered: 06/13/2017)
07/17/2017	<u>3</u>	NOTICE OF RELATED CASE(S) by Bureau of Indian Affairs Southern California Agency of case(s) 17cv1187; 17cv1188; 17cv1189; 17cv1190; 17cv1191; 17cv1192; 17cv1193; 17cv1194; 17cv1195; 17cv1196; 17cv1197; 17cv1417; 17cv1418; 17cv1419; 17cv1420 . (Attachments: # <u>1</u> Proof of Service)(Church, Rebecca)(acc). (Entered: 07/17/2017)
07/24/2017	<u>4</u>	ORDER granting <u>2</u> Motion for Leave to Proceed in forma pauperis. US Marshal shall effect service of complaint. Signed by Judge Anthony J. Battaglia on 7/24/2017. (All non-registered users served via U.S. Mail Service) (Certified Copy to USM) (acc) (Entered: 07/25/2017)
07/25/2017	<u>5</u>	Summons Issued. Counsel receiving this notice electronically should print this summons and serve it in accordance with Rule 4, Fed.R.Civ.P and LR 4.1. Summons will be mailed to plaintiffs not receiving notice electronically. (Attachments: # <u>1</u> IFP Letter)(acc) (Entered: 07/25/2017)
08/01/2017	<u>6</u>	SUMMONS Returned Executed by Emilio Reyes. Bureau of Indian Affairs Southern California Agency served. (acc) (Entered: 08/01/2017)
08/08/2017	<u>7</u>	SUMMONS Returned Executed by Emilio Reyes. Bureau of Indian Affairs Southern California Agency served. (acc) (Main Document 7 replaced on 8/9/2017) (acc). (Entered: 08/09/2017)
08/16/2017	<u>8</u>	SUMMONS Returned Executed by Emilio Reyes. Office of the Attorney General – Department of Justice served. (mxn) (Entered: 08/17/2017)
08/22/2017	<u>9</u>	ORDER OF TRANSFER PURSUANT TO LOW NUMBER RULE. Case reassigned to Judge John A. Houston and Magistrate Judge Ruben B. Brooks for all further proceedings. Judge Anthony J. Battaglia, Magistrate Judge Jan M. Adler no longer assigned to case. Create association to 3:17-cv-01190-JAH-RBB. The new case number is 17-cv-1196-JAH-RBB. Signed by Judge Anthony J. Battaglia on

		8/22/2017. Signed by Judge John Houston on 8/18/2017.(All non-registered users served via U.S. Mail Service)(acc) (Entered: 08/23/2017)
08/30/2017	<u>10</u>	ANSWER to <u>1</u> Complaint, by Bureau of Indian Affairs Southern California Agency. (Attachments: # <u>1</u> Proof of Service)(Parker, Katherine)Attorney Katherine Lind Parker added to party Bureau of Indian Affairs Southern California Agency(pty:dft) (jpp). (Entered: 08/30/2017)
09/07/2017	<u>11</u>	NOTICE AND ORDER for Early Neutral Evaluation Conference. Early Neutral Evaluation set for 9/20/2017 01:30 PM before Magistrate Judge Ruben B. Brooks. Signed by Magistrate Judge Ruben B. Brooks on 9/07/2017.(All non-registered users served via U.S. Mail Service)(jpp) (Entered: 09/07/2017)
09/12/2017	<u>12</u>	FIRST AMENDED COMPLAINT against Bureau of Indian Affairs Southern California Agency, filed by Emilio Reyes. (Attachments: # <u>1</u> Proof of Service)New Summons Requested. (acc) (Entered: 09/12/2017)
09/13/2017	<u>13</u>	Summons Issued re <u>12</u> First Amended Complaint. Counsel receiving this notice electronically should print this summons and serve it in accordance with Rule 4, Fed.R.Civ.P and LR 4.1. Summons will be mailed to plaintiffs not receiving notice electronically. (Attachments: # <u>1</u> IFP Letter)(acc) (Entered: 09/13/2017)
09/21/2017	<u>14</u>	Minute Order for proceedings held before Magistrate Judge Ruben B. Brooks:Early Neutral Evaluation Conference and Case Management Conference held on 9/21/2017. A settlement conference is set for December 19, 2017, at 2:00 p.m. The parties shall submit a joint settlement status report by December 12, 2017.Signed by Magistrate Judge Ruben B. Brooks on 9/21/2017. (All non-registered users served via U.S. Mail Service)(jpp) (Entered: 09/21/2017)
09/21/2017	<u>15</u>	SCHEDULING ORDER regulating discovery and other pretrial proceedings. A Settlement Conference shall be conducted on 12/19/2017, at 2:00 p.m. before Judge Ruben B. Brooks, Courtroom 2C. Proposed Pretrial Order due by 2/25/2019. Final Pretrial Conference set for 3/4/2019 02:30 PM in Courtroom 13B before Judge John A. Houston. Signed by Magistrate Judge Ruben B. Brooks on 9/21/2017.(All non-registered users served via U.S. Mail Service)(jpp) (Entered: 09/21/2017)
10/04/2017	<u>16</u>	SUMMONS Returned Executed by Emilio Reyes. U.S. Attorney San Diego served. (jpp) (Entered: 10/04/2017)
10/05/2017	<u>17</u>	CERTIFICATE OF SERVICE (USM Form 285), by Emilio Reyes. Department of Justice served summons and complaint 9/27/2017. (jpp) (Entered: 10/11/2017)
10/05/2017	<u>18</u>	SUMMONS Returned Executed (USM Form 285) by Emilio Reyes. Bureau of Indian Affairs Southern California Agency served 9/25/2017. (jpp) (Entered: 10/11/2017)
10/23/2017	<u>19</u>	ANSWER to <u>12</u> Amended Complaint by United States Department of the Interior; Office of the Solicitor, Bureau of Indian Affairs Southern California Agency. (Attachments: # <u>1</u> Proof of Service)(Parker, Katherine)Attorney Katherine Lind Parker added to party United States Department of the Interior; Office of the Solicitor(pty:dft) (jpp). (Entered: 10/23/2017)
11/06/2017	<u>20</u>	Notice of Document Discrepancies and Order Thereon by Judge John A. Houston Rejecting Document: Second Amended Complaint., from Plaintiff Emilio Reyes. Non-compliance with local rule(s), OTHER: Fed. R. Civ. P. 15(a)(2) – Post-Answer amendment requires leave of court., Rejected document was returned to the filer. Signed by Judge John A. Houston on 11/02/2017.(All non-registered users served via U.S. Mail Service)(jpp) (Additional attachment(s) added on 11/7/2017: # <u>1</u> rejected document) (jpp). (Entered: 11/07/2017)
12/20/2017	<u>21</u>	Minute Order for proceedings held before Magistrate Judge Ruben B. Brooks:Settlement Conference held on 12/20/2017. Settlement Conference set for 2/7/2018 01:30 PM before Magistrate Judge Ruben B. Brooks. Signed by Magistrate Judge Ruben B. Brooks on 12/20/2017. (All non-registered users served via U.S. Mail Service)(jpp) (Entered: 12/20/2017)
02/01/2018	<u>22</u>	SUMMONS Returned Executed (USM Form 285) by Emilio Reyes. United States Department of the Interior; Office of the Solicitor served. (jpp) (Entered: 02/05/2018)

02/07/2018	<u>23</u>	Minute Order for proceedings held before Magistrate Judge Ruben B. Brooks. Settlement Conference held on 2/7/2018. Settlement Conference set for 5/16/2018 at 1:30pm. Signed by Magistrate Judge Ruben B. Brooks on 2/07/2018. (All non-registered users served via U.S. Mail Service)(jpp) (Entered: 02/08/2018)
03/19/2018	<u>24</u>	Joint MOTION to Amend/Correct <i>the Scheduling Order</i> by Bureau of Indian Affairs Southern California Agency, United States Department of the Interior; Office of the Solicitor. (Attachments: # <u>1</u> Proof of Service)(Church, Rebecca)Attorney Rebecca Grace Church added to party Bureau of Indian Affairs Southern California Agency(pty:dft), Attorney Rebecca Grace Church added to party United States Department of the Interior; Office of the Solicitor(pty:dft) (jpp). (Entered: 03/19/2018)
03/22/2018	<u>25</u>	ORDER granting <u>24</u> Joint Motion to Amend the Scheduling Order (ECF <u>39</u>) and issuing an Amended Scheduling Order regulating Discovery and other pre-trial proceedings. Settlement Conference set for 6/27/2018 01:30 PM in Courtroom 2C before Magistrate Judge Ruben B. Brooks. Proposed Pretrial Order due by 6/17/2019. Final Pretrial Conference set for 6/24/2019 02:30 PM in Courtroom 13B before Judge John A. Houston. Signed by Magistrate Judge Ruben B. Brooks on 3/22/2018. (All non-registered users served via U.S. Mail Service)(jpp) (Entered: 03/22/2018)
06/20/2018	<u>26</u>	MINUTE ORDER – Due to a conflict on the Courts calendar, the settlement conference scheduled for June 27, 2018, at 1:30 p.m. is reset to July 10, 2018, at 10:00am. All other guidelines and requirements remain in effect.Signed by Magistrate Judge Ruben B. Brooks on 6/20/2018.(All non-registered users served via U.S. Mail Service)(jpp) (Entered: 06/20/2018)
07/11/2018	<u>27</u>	MINUTE ORDER: A settlement conference was held. A settlement conference is set for 1/15/2019 at 2:00 p.m. before Magistrate Judge Ruben B. Brooks. The parties shall submit a joint settlement status report by 1/8/2019. Signed by Magistrate Judge Ruben B. Brooks on 7/10/2018. (All non-registered users served via U.S. Mail Service)(mpl) (Entered: 07/11/2018)
01/03/2019	<u>28</u>	MOTION to Stay <i>During Lapse in Federal Appropriations</i> by United States Department of the Interior; Office of the Solicitor. (Attachments: # <u>1</u> Proof of Service)(Norris, Brett)Attorney Brett Norris added to party United States Department of the Interior; Office of the Solicitor(pty:dft) (dlg). (Entered: 01/03/2019)
01/04/2019	<u>29</u>	ORDER granting <u>28</u> Motion to Stay During Lapse in Federal Appropriations. Signed by Judge John A. Houston on 1/3/19. (All non-registered users served via U.S. Mail Service)(dlg) (Entered: 01/04/2019)
01/08/2019	<u>30</u>	MINUTE ORDER – In light of the stay in effect in these matters due to the lapse in federal appropriations, the Court continues the settlement conference set for January 15, 2018 to February 26, 2019, at 2:00 p.m. The parties shall submit a joint settlement status report by February 19, 2019. As the date of the settlement conference approaches, the Court will reevaluate whether a further continuance is required if Congress has not yet appropriated funds by that time.Signed by Magistrate Judge Ruben B. Brooks on 1/08/2019.(All non-registered users served via U.S. Mail Service)(jpp) (Entered: 01/08/2019)
02/01/2019	<u>31</u>	Joint MOTION to Amend/Correct <u>30</u> Order,,, Set Hearings,,, Terminate Hearings,,, <u>25</u> Order on Motion to Amend/Correct,,, <i>Regarding Lift of Stay</i> by Bureau of Indian Affairs Southern California Agency, United States Department of the Interior; Office of the Solicitor. (Attachments: # <u>1</u> Proof of Service)(Church, Rebecca) (jpp). (Entered: 02/01/2019)
02/05/2019	<u>32</u>	MINUTE ORDER – The joint motion is GRANTED. The settlement conference set for February 26, 2019 is continued to March 19, 2019, at 2:00 p.m. The parties shall submit a joint settlement status report by March 12, 2019. Additionally, the pretrial conference set for June 24, 2019, at 2:30 p.m. before the Honorable John A. Houston is vacated. The pretrial conference will be reset after the resolution of pretrial motions. Signed by Magistrate Judge Ruben B. Brooks on 2/05/2019. (All non-registered users served via U.S. Mail Service)(jpp) (Entered: 02/05/2019)
02/06/2019	<u>33</u>	MINUTE ORDER – The parties joint request to continue the deadline to file pretrial motions, set forth in their joint motion regarding lift of stay and request to amend the scheduling order [ECF No. 48], is GRANTED. The deadline tofile pretrial motions is continued from February 25, 2019, to April 23, 2019.. Signed by Magistrate Judge

		Ruben B. Brooks on 2/06/2019.(All non-registered users served via U.S. Mail Service)(jpp) (Entered: 02/06/2019)
03/20/2019	<u>34</u>	Minute Order for proceedings held before Magistrate Judge Ruben B. Brooks:Settlement Conference held on 3/20/2019. Settlement Conference set for 7/9/2019 at 2:00pm. Signed by Magistrate Judge Ruben B. Brooks on 3/20/2019. (All non-registered users served via U.S. Mail Service)(jpp) (Entered: 03/20/2019)
04/23/2019	<u>35</u>	MOTION for Summary Judgment on <i>FOIA Complaint</i> by Bureau of Indian Affairs Southern California Agency, United States Department of the Interior; Office of the Solicitor. (Attachments: # <u>1</u> Memo of Points and Authorities, # <u>2</u> Declaration Howard, # <u>3</u> Declaration Moore, # <u>4</u> Proof of Service)(Church, Rebecca) (jpp). (Entered: 04/23/2019)
05/13/2019	<u>36</u>	Notice of Document Discrepancies and Order Thereon by Judge John A. Houston Accepting Document: Ex Parte Application for Order Permitting Plaintiffs Late Filing on Response to Defendants Notice of Motion and Motion and Motion for Summary Judgment on FOIA Complaint, from Plaintiff Emilio Reyes. Non-compliance with local rule(s), Civ. L. Rule 7.1: Lacking memorandum of points and authorities in support as a separate document. Nunc Pro Tunc 5/13/2019. Signed by Judge John A. Houston on 5/13/2019.(All non-registered users served via U.S. Mail Service)(jpp) (Entered: 05/14/2019)
05/13/2019	<u>37</u>	Ex Parte Application for Order Permitting Plaintiffs Late Filing onResponse to Defendants Notice of Motion and Motion and Motion for Summary Judgment on FOIA Complaint, by Emilio Reyes. NUNC PRO TUNC 5/13/2019 (jpp) (Entered: 05/14/2019)
05/21/2019	<u>38</u>	Joint MOTION to Dismiss by Bureau of Indian Affairs Southern California Agency, United States Department of the Interior; Office of the Solicitor. (Attachments: # <u>1</u> Proof of Service)(Church, Rebecca) (jpp). (Entered: 05/21/2019)
05/21/2019	<u>39</u>	ORDER granting <u>38</u> Joint Motion to Dismiss case without prejudice. Signed by Judge John A. Houston on 5/21/2019. (All non-registered users served via U.S. Mail Service)(jpp) (Entered: 05/21/2019)